

House File 2324

H-8247

1 Amend House File 2324 as follows:

2 1. Page 1, after line 31 by inserting:

3 <Sec. _____. Section 459.204, Code 2009, is amended
4 to read as follows:

5 **459.204 Liquid manure application — separation**
6 **distance.**

7 1. *a.* This subsection applies on and after the
8 effective date of this Act and prior to December 21,
9 2011.

10 (1) Except as provided in section 459.205, a person
11 shall not apply liquid manure from a confinement
12 feeding operation with a confinement feeding operation
13 structure constructed or expanded prior to May 31,
14 1995, on land located within one thousand five hundred
15 feet from a residence not owned by the titleholder
16 of the land, a commercial enterprise, a bona fide
17 religious institution, an educational institution, or a
18 public use area.

19 (2) Except as provided in section 459.205, a person
20 shall not apply liquid manure from a confinement
21 feeding operation with a confinement feeding operation
22 structure constructed or expanded on or after May 31,
23 1995, on land located within seven hundred fifty feet
24 from a residence not owned by the titleholder of the
25 land, a commercial enterprise, a bona fide religious
26 institution, an educational institution, or a public
27 use area.

28 *b.* This subsection is repealed on December 21,
29 2011.

30 2. This subsection applies on and after December
31 21, 2011. Except as provided in section 459.205, a
32 person shall not apply liquid manure from a confinement
33 feeding operation on land located within seven
34 hundred fifty feet from a residence not owned by the
35 titleholder of the land, a commercial enterprise,
36 a bona fide religious institution, an educational
37 institution, or a public use area.>

38 2. Page 2, after line 27 by inserting:

39 <Sec. _____. Section 459.313A, subsection 1,
40 unnumbered paragraph 1, Code Supplement 2009, is
41 amended to read as follows:

42 During the period beginning December 21 and ending
43 April 1, the person may apply liquid manure originating
44 from a manure storage structure, that is part of a
45 confinement feeding operation, on snow covered ground
46 only when there is an emergency. During the period
47 beginning February 1 and ending April 1, the person
48 may apply liquid manure originating from a manure
49 storage structure, that is part of a confinement
50 feeding operation, on frozen ground only when there

1 is an emergency. An emergency occurs only when there
2 is an immediate need to comply with section 459.311,
3 subsection 1, due to unforeseen circumstances affecting
4 the storage of the liquid manure. The unforeseen
5 circumstances must be beyond the control of the owner
6 of the confinement feeding operation, including but
7 not limited to natural disaster, unusual weather
8 conditions, or equipment or structural failure. An
9 emergency does not include a situation in which a
10 person may continue to store liquid manure within a
11 manure storage structure that is part of the person's
12 confinement feeding operation. A person who is
13 authorized to apply liquid manure on snow covered
14 ground or frozen ground when there is an emergency
15 shall comply with all of the following:

16 Sec. _____. Section 459.313A, subsection 1, paragraph
17 d, Code Supplement 2009, is amended to read as follows:

18 d. Any surface water drain tile intake that is on
19 land in the owner's manure management plan and located
20 down gradient of the application must be temporarily
21 blocked beginning not later than the time that the
22 liquid manure is first applied and ending not earlier
23 than ~~two~~ three weeks after the completion of the
24 application.>

25 3. Page 2, by striking lines 30 through 33 and
26 inserting:

27 <NEW SUBSECTION. 4. A confinement feeding
28 operation with all confinement feeding operation
29 structures constructed before May 31, 1995, and not
30 expanded on or after that date, is not required to
31 construct or expand a manure storage structure to
32 comply with this section until December 21, 2011.>

33 4. Page 2, before line 34 by inserting:

34 <Sec. _____. Section 459.314, Code Supplement 2009,
35 is amended by adding the following new subsection:

36 NEW SUBSECTION. 1A. a. This subsection applies on
37 and after the effective date of this Act and prior to
38 December 21, 2011.

39 (1) A person shall not apply liquid manure from
40 a confinement feeding operation with a confinement
41 feeding operation structure constructed or expanded
42 prior to May 31, 1995, on land located within four
43 hundred feet from a designated area, unless one of the
44 following applies:

45 (a) The liquid manure is land-applied by injection
46 or incorporation on the same date as the liquid manure
47 was land-applied.

48 (b) An area of permanent vegetation cover,
49 including filter strips and riparian forest buffers,
50 exists for one hundred feet surrounding the designated

1 area other than an unplugged agricultural drainage well
2 or surface intake to an unplugged agricultural drainage
3 well, and the area of permanent vegetation cover is not
4 subject to manure application.

5 (c) If applied in proximity to a high-quality water
6 resource, the liquid manure is applied not less than
7 eight times the four-hundred-foot distance from the
8 designated area.

9 (2) A person shall not apply liquid manure from
10 a confinement feeding operation with a confinement
11 feeding operation structure constructed or expanded
12 on or after May 31, 1995, on land located within two
13 hundred feet from a designated area, unless one of the
14 following applies:

15 (a) The liquid manure is land-applied by injection
16 or incorporation on the same date as the liquid manure
17 was land-applied.

18 (b) An area of permanent vegetation cover,
19 including filter strips and riparian forest buffers,
20 exists for fifty feet surrounding the designated area
21 other than an unplugged agricultural drainage well or
22 surface intake to an unplugged agricultural drainage
23 well, and the area of permanent vegetation cover is not
24 subject to manure application.

25 (c) If applied in proximity to a high-quality water
26 resource, the liquid manure is applied not less than
27 four times the distance from the designated area.

28 b. This subsection is repealed on December 21,
29 2011.

30 Sec. _____. Section 459.314, subsection 2, unnumbered
31 paragraph 1, Code Supplement 2009, is amended to read
32 as follows:

33 This subsection applies on and after December 21,
34 2011. Except as otherwise provided in this subsection,
35 a person shall not apply manure on land located within
36 two hundred feet from a designated area, unless one of
37 the following applies:>

38 5. Title page, line 3, before <on> by inserting
39 <including on land and>

KUHN of Floyd

D. OLSON of Boone